



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

117 South Main Street, Dayton, Ohio 45422-1280

937-225-4435 — Fax: 937-225-3486

www.rapca.org

September 3, 2008

Certified Mail

Mr. Duane E. Leis
3928 State Route 502
Greenville, OH 45331

NOTICE OF VIOLATION (Non-HPV)

Summary

On March 17, 2008, the Greenville Township Fire Department responded to, and extinguished, a large tire and trash fire at 3038 Greenville-Nashville Road, in Greenville Township, Ohio. The Regional Air Pollution Control Agency (RAPCA) inspected the property on March 19, 2008, and documented the open burning of several tires, plastics, petroleum-containing products, liquid storage containers, scrap wires and trash in violation of state and local air pollution control regulations. As the property owner, you are hereby notified of these violations and ordered to cease all unauthorized open burning activities.

Dear Mr. Leis:

On March 18, 2008, RAPCA received a complaint from the Greenville Township Fire Department regarding the open burning of tires, oil, hydraulic lines and a large container of trash on your property at 3038 Greenville-Nashville Road, in Greenville Township, Ohio. The fire occurred on March 17, 2008, and was extinguished by the Fire Department. Darke County Auditor's Office records confirm that this property is used for commercial purposes.

In response to this complaint, an on-site inspection was conducted by a RAPCA representative on March 19, 2008. A large metal drum surrounded by a large area of burned trash was observed. The metal drum was approximately seven feet in diameter, six feet high and nearly full with the remains of trash including wires, hoses, conduit, piping, plastics, metals, cans, wood and numerous other unidentifiable (non-wood) items. Open burning was also observed in the uncontained area surrounding the metal drum. Numerous items were burned including scrap tires (approximately seven), a liquid storage tank (approximately 150 gallons), a 55-gallon drum, plastic containers with unidentified chemicals (such as paint or glue), construction debris, metal containers (possibly gas or solvent), paint cans and other miscellaneous trash.

Ms. Duane Leis
September 3, 2008
Page 2

The property where the fire occurred is located in an unrestricted area. This open burning is in violation of the following state and local air pollution control regulations:

- * Ohio Administrative Code (OAC) rules: 3745-19-04 (B)(3)(e), Open Burning in Unrestricted Areas
- * Darke County Board of Health Air Pollution Control Regulations (DCBHAPCR) rules: 3745-19-04 (B)(3)(e), Open Burning in Unrestricted Areas
- * Ohio Revised Code 3704.05 (G)

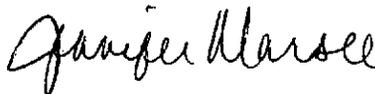
Pursuant to the above regulations, the open burning of materials containing rubber, grease, asphalt or liquid petroleum products is strictly prohibited in Ohio.

This letter serves as official notification of the aforementioned violations and to cease all unauthorized open burning activities. RAPCA believes the above open burning to be a serious matter and requires that, within 14 days of receipt of this letter, you submit a written commitment to maintain compliance with all open burning regulations in the future. This commitment shall include a plan for disposing of the remaining material and shall comply with all applicable air and solid waste regulations.

Acceptance of the compliance plan by RAPCA does not constitute a waiver of the Ohio EPA's and RAPCA's authority to seek civil penalties as provided in section 3704.06 and 3707.49 of the Ohio Revised Code. The determination whether to pursue such penalties will be made by the Ohio EPA and RAPCA at a later date.

If you have any questions regarding this matter, please contact Christine Swetz at (937) 496-7541.

Sincerely,



Jennifer Marsee
Supervisor
Abatement Unit

cc: Chief Chris Greer, Greenville Township Fire Department
Corrie Holthaus, Darke County General Health District
Lisa Holscher, USEPA
Tom Kalman, Ohio EPA

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St MR DUANE E LEIS
 3928 STATE ROUTE 502
 Greenville, OH 45331

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery 9-8</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>MR DUANE E LEIS 3928 STATE ROUTE 502 GREENVILLE, OH 45331</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7004 1160 0000 6165 4856</p>

